IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1508 of 2007()

CC.361/2005 of J.M.F.C.-II,PALAKKAD

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: PETITIONER/2ND ACCUSED

BASHEER, S/O. ABDUL KALAM,
MARARKALAM HOUSE, CHERAYI P.O., KONGAD,
PALAKKAD DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SRI.P;.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1508 of 2007

DATED: 7th March 2007

O R D E R

Petitioner who is the 3rd accused in C.C. No. 87/04 on the file of the J.F.C.M.-II, Palakkad, for an offence punishable under Sec. 420 read with Sec. 34 I.P.C. seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in the aforesaid C.C. case, the case against him was split up and re-filed as C.C. 361/05. Non-bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after considering the contention of the petitioner that co-accused in the case was acquitted after trial. Until such consideration, non-bailable warrants of arrest against the petitioner shall not be executed.

With the above observation this application is disposed of .

V.RAMKUMAR, JUDGE.

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